

HOUSE BILL No. 2200

AN ACT concerning the executive branch chief information technology officer; relating to duties; transferring certain powers, duties and functions of the director of information systems and communications, the division of information systems and communications and the secretary of administration to the executive chief information technology officer and the office of information technology services; amending K.S.A. 48-937, 65-6138, 65-6139, 65-6140, 74-9302, 74-9303, 74-9605, 75-37,102, 75-4701, 75-4702, 75-4702c, 75-4704, 75-4704b, 75-4705, 75-4710, 75-4712, 75-4713, 75-4714, 75-4715, 75-4716, 75-6512 and 76-389 and K.S.A. 2012 Supp. 46-1503, 74-9304, 74-9306, 75-3707e, 75-4703, 75-4704a, 75-4709, 75-7202, 75-7204 and 75-7205 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

New Section 1. (a) The executive chief information technology officer shall submit to the governor proposed rules and regulations with respect to the manner of performance of any power or duty of the office of information technology services, the execution of any business of such office and its relations to and business with other state agencies, appeals from the final decisions or final actions of the executive chief information technology officer, and such other matters as are provided by law. Before any such proposed rules and regulations are submitted to the governor, the same shall have received the approval required by K.S.A. 77-420, and amendments thereto, the attorney general shall have made the finding required by K.S.A. 77-420, and amendments thereto, and the executive chief information technology officer shall have held the hearing thereon required by K.S.A. 77-421, and amendments thereto. The governor shall either approve, modify and approve or reject any such proposed rules and regulations. The executive chief information technology officer shall adopt such rules and regulations so approved or so modified and approved by the governor.

(b) All rules and regulations, orders and directives of the secretary of administration, the department of administration, the director of information systems and communications, or the division of information systems and communications which relate to the powers, duties and functions transferred from the director of information systems and communications and the division of information systems and communications of the department of administration to the executive chief information technology officer and office of information technology services by this act and which are in effect on the effective date of this act shall continue to be effective and shall be deemed to be rules and regulations, orders and directives of the executive chief information technology officer and office of information technology services until revised, amended, revoked or nullified pursuant to law.

Sec. 2. K.S.A. 2012 Supp. 46-1503 is hereby amended to read as follows: 46-1503. (a) The revisor of statutes shall contract in the name of the legislative coordinating council, and with approval of such council, for such computer programs and other computer services as cannot be suitably obtained from state agencies, and in like manner, the revisor shall acquire such computer and communications components as may be needed for this system. Purchases and other contracts authorized by the statutes contained in article 15 of chapter 46 of Kansas Statutes Annotated, *and amendments thereto*, shall not be subject to K.S.A. 75-3739, and amendments thereto, nor shall the same be subject to approval under any statute other than those contained in article 15 of chapter 46. ~~The director of information systems and communications~~ *executive chief information technology officer* and the director of purchases shall render such assistance in implementation of this system as is requested by the legislative coordinating council or the revisor of statutes.

(b) When authorized by the legislative coordinating council, the revisor of statutes may provide to or share with any other state agency computer services through the operation of the comprehensive legislative information system. Such services may be provided without charge or, when directed by the council, shall be provided at cost as the same is determined by the council. The furnishing of computer services under this subsection (b) for which a charge is made shall be a transaction to be settled in accordance with the provisions of K.S.A. 75-5516, and amendments thereto. All receipts for charges made under this subsection (b) shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the legislative special revenue fund.

(c) When authorized by the legislative coordinating council, the re-

visor of statutes may provide information regarding legislation to state agencies and to private individuals, companies and organizations through access to the legislative information system. The primary purpose for the legislative information system shall be to provide necessary information and service to the legislature and offices of the legislative branch of government and the revisor of statutes shall impose such conditions and restrictions upon the receipt of information from such system by agencies, persons and organizations not a part of the legislative branch of government as may be necessary to protect such system and services for the purpose for which established. The legislative coordinating council may fix a charge for the receipt of information regarding legislation through access to the legislative information system by state agencies, private individuals, companies and organizations not a part of the legislative branch of government. Such charges shall be collected by the director of legislative administrative services upon certification by the revisor of statutes. All amounts received from charges imposed pursuant to this subsection shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the legislative special revenue fund.

Sec. 3. K.S.A. 48-937 is hereby amended to read as follows: 48-937. The division of emergency management shall ascertain what means exist for rapid and efficient communications during a disaster. The division of emergency management shall consider the desirability of supplementing these communications resources or of integrating them into a comprehensive state or state and federal telecommunications or other communications system which may be established for purposes of emergency management. In studying the character and feasibility of any such system or its several parts, the division of emergency management shall consult thereon with the secretary of administration *and the executive chief information technology officer* and evaluate the possibility of the multipurpose use of such a system for general state and local government purposes. The division of emergency management shall make recommendations regarding such communications systems to the governor as appropriate.

Sec. 4. K.S.A. 65-6138 is hereby amended to read as follows: 65-6138. In order to provide adequate emergency medical care for the people of this state, the emergency medical services board is hereby authorized to establish, maintain and operate an emergency medical services communications system, subject to approval by the ~~secretary of administration~~ *executive chief information technology officer* under K.S.A. 75-4709, and amendments thereto. The emergency medical services board shall establish communication centers, to be known as medical communications centers, in various locations in the state to be determined by the emergency medical services board, for the purposes of receiving requests for emergency medical assistance and for coordinating the activities of ambulances with medical care facilities and other emergency public safety agencies. Subject to approval by the ~~secretary of administration~~ *executive chief information technology officer* under K.S.A. 75-4709, and amendments thereto, the emergency medical services board may provide mobile radio units to ambulance services, as hereinafter provided, which will provide such ambulance services with direct communication to or from medical communication centers established for such purpose.

Sec. 5. K.S.A. 65-6139 is hereby amended to read as follows: 65-6139. For the purpose of establishing, operating and maintaining the emergency medical services communications system, the board may enter into contracts with any state agency, and any such agency is authorized to contract for such purpose with the board. The board also may enter into contracts or other agreements with any city, county, township, fire district or hospital district, or any person, firm or corporation for the establishment of an emergency medical services communications system or the establishment or operation of any part thereof including placement, operation and maintenance of equipment. In accordance with the authority of the ~~secretary of administration~~ *executive chief information technology officer* under K.S.A. 75-4709, and amendments thereto, all contracts entered into by the board under this section shall be subject to approval by the ~~secretary of administration~~ *executive chief information technology officer*.

Any contract or agreement for the placement or operation of equipment with any ambulance service shall provide that the person, firm, corporation or municipality operating such ambulance service shall maintain such equipment in accordance with terms and conditions established by the board. The contracts, agreements or contracts for the placement of equipment in medical communication centers shall provide that such equipment shall only be used for the purpose of operating the emergency medical services communications system and that the board or the board's designated agent may inspect such equipment at any time. Ownership of any such equipment shall remain with the state and any contracts for the placement of such equipment may be withdrawn or canceled at any time, at the option of the board and the ~~secretary of administration~~ *executive chief information technology officer* under K.S.A. 75-4709, and amendments thereto.

Sec. 6. K.S.A. 65-6140 is hereby amended to read as follows: 65-6140. For the purposes of establishing, operating and maintaining an emergency medical services communications system, the emergency medical services board may accept any grant of money or property, including any federal moneys available therefor. Within the limits of appropriations available therefor and subject to approval by the ~~secretary of administration~~ *executive chief information technology officer* under K.S.A. 75-4709, and amendments thereto, the emergency medical services board may acquire, in the name of the state, any equipment necessary for such communications system.

Sec. 7. K.S.A. 74-9302 is hereby amended to read as follows: 74-9302. It shall be the purpose of INK to perform the following duties:

- (a) Provide electronic access for members of the public to public information of agencies via a gateway service;
- (b) develop a dial-in gateway or electronic network for access to public information;
- (c) provide appropriate oversight of any network manager;
- (d) explore ways and means of expanding the amount and kind of public information provided, increasing the utility of the public information provided and the form in which provided, expanding the base of users who access such public information and, where appropriate, implementing such changes;
- (e) cooperate with the ~~division of information systems and communications~~ *office of information technology services* in seeking to achieve the purposes of INK;
- (f) explore technological ways and means of improving citizen and business access to public information and, where appropriate, implement such technological improvements; and
- (g) explore options of expanding such network and its services to citizens and businesses by providing add-on services such as access to other for-profit information and databases and by providing electronic mail and calendaring to subscribers.

Sec. 8. K.S.A. 74-9303 is hereby amended to read as follows: 74-9303. (a) There is hereby created a body politic and corporate to be known as the information network of Kansas, Inc. INK is hereby constituted as a public instrumentality and the exercise by INK of the authority and powers conferred by this act shall be deemed and held to be the performance of an essential governmental function.

(b) INK shall be governed by a board consisting of ~~10~~ *nine* members as follows:

- (1) ~~The president of Kansas, Inc.;~~
- ~~(2)~~ The secretary of state;
- ~~(3)~~(2) two members who are chief executive officers of agencies of the executive branch, appointed by the governor who shall serve at the pleasure of the governor;
- ~~(4)~~(3) one member appointed by the governor from a list of three Kansas bar association members submitted by such association. Such member shall serve a three-year term;
- ~~(5)~~(4) three members from other user associations of a statewide character appointed by the governor from a list of not less than nine individuals and their respective user associations compiled ~~initially by the president of Kansas, Inc. and thereafter~~ by the board of INK and submitted to the governor. No two members appointed pursuant to this par-

agraph shall represent the same user association. The terms for such members shall be for a period of three years, except initially, when the terms shall be for one, two and three years, respectively;

~~(6)~~(5) one member appointed by the governor from a list submitted by the president of the Kansas public libraries association and comprised of three librarians employed by public libraries. Following the initial appointment hereunder, such list shall be comprised of librarians of public libraries which subscribe to INK. Such member shall serve a three-year term; and

~~(7)~~(6) ~~the director of information systems and communications executive chief information technology officer who shall serve as a nonvoting member.~~

(c) The board shall annually elect one member from the board as chairperson of INK, another as vice-chairperson and another as secretary.

(d) Five members of the board shall constitute a quorum and the affirmative vote of five members shall be necessary for any action taken by the board. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the rights and perform all the duties of the board.

Sec. 9. K.S.A. 2012 Supp. 74-9304 is hereby amended to read as follows: 74-9304. (a) In order to achieve its purpose as provided in this act, INK shall:

(1) Serve in an advisory capacity to the secretary of administration, ~~division of information services and communications~~ *office of information technology services* and other state agencies regarding the provision of state data to the citizens and businesses of Kansas;

(2) seek advice from the general public, its subscribers, professional associations, academic groups and institutions and individuals with knowledge of and interest in areas of networking, electronic mail, public information access, gateway services, add-on services and electronic filing of information; and

(3) develop charges for the services provided to subscribers, which include the actual costs of providing such services.

(b) All state agencies shall cooperate with INK in providing such assistance as may be requested for the achievement of its purpose. Agencies may recover actual costs incurred by providing such assistance. Services and information to be provided by any agency shall be specified pursuant to contract between INK and such agency and shall comply with the provisions of K.S.A. 45-215 et seq. and K.S.A. 2012 Supp. 45-230, and amendments thereto.

Sec. 10. K.S.A. 74-9605 is hereby amended to read as follows: 74-9605. (a) The board of directors of the Kansas guardianship program shall employ a person to serve as executive director who shall direct and supervise the general management of the corporation. The executive director shall employ persons needed to perform duties of the Kansas guardianship program as directed by the board of directors.

(b) Employees of the Kansas guardianship program shall not be considered to be state employees except that such employees may participate in the Kansas public employees retirement system. Employees of the Kansas guardianship program shall not be considered to be state employees, except for the purposes specified in this subsection (b). ~~The secretary of administration~~ *executive chief information technology officer* shall extend the use of state intercity telecommunications facilities and services under control of the ~~secretary~~ *executive chief information technology officer* pursuant to K.S.A. 75-4709, and amendments thereto, to the Kansas guardianship program. The Kansas guardianship program shall be considered to be a state agency only for the purposes specified in this subsection.

(c) The provisions of article 32 of chapter 75 of the Kansas Statutes Annotated, ~~any acts amendatory thereof or supplemental and amendments~~ thereto, and any rules and regulations adopted thereunder, shall not apply to officers or employees of the Kansas guardianship program. Subject to policies established by the Kansas guardianship program, the chairperson of the board of directors or the chairperson's designee shall approve all travel and travel expenses of such officers and employees.

Sec. 11. K.S.A. 2012 Supp. 75-3707e is hereby amended to read as follows: 75-3707e. As the infrastructure provider for information tech-

nology for the state of Kansas, the ~~department of administration~~ *office of information technology services* must insure the highest level of information security and privacy in order to protect law enforcement, state agencies and the citizens of Kansas. Toward this objective, the department of administration *or the office of information technology services* shall require as a condition of employment that individuals who have unescorted physical access to the data center, telecommunications facilities and other security sensitive areas as designated by the secretary of administration *or the executive chief information technology officer* be fingerprinted, and such fingerprints shall be submitted to the Kansas bureau of investigation and to the federal bureau of investigation for the purposes of verifying the identity of such individuals and obtaining records of criminal arrests and convictions.

Sec. 12. K.S.A. 75-37,102 is hereby amended to read as follows: 75-37,102. (a) Upon request of the chief administrative officer of a state agency and subject to the approval of the secretary of administration, the director of purchases may convene a procurement negotiating committee to obtain services or technical products for the state agency.

(b) Each procurement negotiating committee shall be composed of: (1) The director of purchases, or a person designated by the director; (2) the chief administrative officer of the state agency desiring to make the procurement, or a person designated by the officer; and (3) the secretary of administration, or a person designated by the secretary *or, if a procurement involves information technology or services, the executive chief information technology officer or a person designated by the executive chief information technology officer.*

(c) The negotiating committee is authorized to negotiate for the procuring state agency contracts with qualified parties to provide services or technical products needed by the state agency.

(d) Prior to negotiating for the procurement, a notice to bidders first shall be published in the Kansas register. Upon receipt of bids or proposals, the committee may negotiate with one or more of the firms submitting bids or proposals and select from among those submitting such bids or proposals the party to contract with to provide the services or technical products.

(e) Contracts entered into pursuant to this section shall not be subject to the provisions of K.S.A. 75-3738 through 75-3740a, and amendments thereto. Meetings to conduct negotiations pursuant to this section shall not be subject to the provisions of K.S.A. 75-4317 through 75-4320a, and amendments thereto. The director of purchases shall submit a report at least once in each calendar quarter to the legislative coordinating council and the chairpersons of the senate committee on ways and means and the house of representatives committee on appropriations of all contracts entered into pursuant to this section. In the event that the negotiating committee selects a bid which is not the lowest bid on a given contract, the directors report shall contain a rationale explaining why the lowest bidder was not awarded the contract.

(f) Nothing in this section shall be construed as requiring either negotiations pursuant to this section or bids pursuant to K.S.A. 75-3739, and amendments thereto, for the procurement of professional services or services for which, in the judgment of the director of purchases, meaningful specifications cannot be determined.

Sec. 13. K.S.A. 75-4701 is hereby amended to read as follows: 75-4701. (a) There is hereby established, ~~within and as a part of the department of administration, a division of information systems and communications, the head of which shall be the director of information systems and communications. Under the supervision of the secretary of administration, the director of information systems and communications shall administer the division of information systems and communications~~ *an office of information technology services, the head of which shall be the executive chief information technology officer. The executive chief information technology officer shall administer the office of information technology services.* The division of information systems and ~~computing communications~~ and the office of the director of information systems and ~~computing communications~~, created by this section prior to its amendment by this act, are hereby abolished.

(b) The ~~director of information systems and communications~~ *execu-*

tive chief information technology officer shall be in the unclassified service under the Kansas civil service act and shall be appointed by the ~~secretary of administration~~ *governor*.

(c) There are hereby established, within the ~~division of information systems and communications~~ *office of information technology services*, the offices of the deputy director of information systems and the deputy director of telecommunications who shall be appointed by the ~~director of information systems and communications~~, subject to approval by the ~~secretary of administration~~, *executive chief information technology officer* and shall be in the unclassified service under the Kansas civil service act. The deputy director of information systems and the deputy director of telecommunications shall have such powers, duties and functions as are prescribed by the ~~director of information systems and communications~~ *executive chief information technology officer*.

Sec. 14. K.S.A. 75-4702 is hereby amended to read as follows: 75-4702. (a) All of the powers, duties and functions of the existing director of information systems and ~~computing communications~~ and division of information systems and ~~computing communications~~ are hereby transferred to and conferred and imposed upon the ~~director of information systems and communications~~ *executive chief information technology officer*, except as otherwise provided by this act.

(b) The ~~director of information systems and communications~~ *executive chief information technology officer* shall be the successor in every way to the powers, duties and functions of the director of information systems and ~~computing communications~~ and division of information systems and ~~computing communications~~ in which the same were vested prior to July 1, 1984, except as otherwise provided by this act *the effective date of this act*. Every act performed in the exercise of such powers, duties and functions by or under the authority of the ~~director of information systems and communications~~ *executive chief information technology officer* shall be deemed to have the same force and effect as if performed by the director of information systems and ~~computing communications~~ and division of information systems and ~~computing communications~~ in which such functions were vested prior to July 1, 1984 *the effective date of this act*.

(c) Whenever the director of information systems and computing ~~or~~, the division of information systems and computing, *the division of information systems and communications*, or *the director of information systems and communications*, or words of like effect, is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the ~~director of information systems and communications~~ *executive chief information technology officer*.

Sec. 15. K.S.A. 75-4702c is hereby amended to read as follows: 75-4702c. (a) In all cases under this act where the powers, duties and functions of the division or director of information systems and ~~computing communications~~ are transferred to and imposed upon the ~~secretary of administration or the division or director of information systems and communications~~, *the division of information systems and communications office of information technology services, the executive chief information technology officer* shall succeed to all property and records which were used for, or pertain to, the performance of the powers, duties and functions so transferred by this act. Any conflict as to the proper disposition of such property or records arising under this section and resulting from the transfer or abolishment of any existing state agency, or the powers, duties and functions thereof, shall be determined by the governor, whose decision shall be final.

(b) When any conflict arises as to the disposition of any power, function or duty or the unexpended balance of any appropriation as a result of any abolishment, transfer, attachment or other change made by ~~this act~~, or under authority of this act, *or the act of which this section is amendatory*, such conflict shall be resolved by the governor, and the decision of the governor shall be final.

(c) No suit, action, or other proceeding, judicial or administrative, lawfully commenced, or which could have been commenced, by or against any existing state agency mentioned in this act, *or the act of which this section is amendatory*, or by or against any officer of the state in such officer's official capacity or in relation to the discharge of official duties,

shall abate by reason of the taking effect of reorganization under the provisions of this act, *or the act of which this section is amendatory*. The court may allow any such suit, action or other proceeding to be maintained by or against the successor of any such existing state agency, or any officer affected.

(d) No criminal action commenced or which could have been commenced by the state shall abate by the taking effect of this act, *or the act of which this section is amendatory*.

Sec. 16. K.S.A. 2012 Supp. 75-4703 is hereby amended to read as follows: 75-4703. ~~The secretary of administration~~ *executive chief information technology officer* may adopt rules and regulations as provided in ~~K.S.A. 75-3706 section 1~~, and amendments thereto, relating to the following:

(a) Establishment of rates and charges for services performed by the ~~division of information systems and communications~~ *office of information technology services* for any other division, department, state agency or governmental unit. Such rates and charges shall be maintained by a cost system in accordance with generally accepted accounting principles. In determining cost rates for billing to agencies or governmental units, overhead expenses shall include but not be limited to light, heat, power, insurance, labor and depreciation. Billings shall include direct and indirect costs and shall be based on the foregoing cost accounting practices.

(b) For determination of priorities for services performed by the ~~division of information systems and communications~~ *office of information technology services*, including authority to decline new projects under specified conditions.

(c) Specification of standards for submission of data to be processed by the ~~division of information systems and communications~~ *office of information technology services* and the programs for processing the data, including authority to decline to process computer programs and projects not conforming to published standards. Such standards shall be consistent with the standards and policies adopted by the information technology executive council under K.S.A. 2012 Supp. 75-7203, and amendments thereto.

(d) Specification of standards and measures relating to security, confidentiality and availability of data processed by the ~~division of information systems and communications~~ *office of information technology services*. Such standards and measures shall be consistent with the standards and policies adopted by the information technology executive council under K.S.A. 2012 Supp. 75-7203, and amendments thereto.

Sec. 17. K.S.A. 2012 Supp. 74-9306 is hereby amended to read as follows: 74-9306. ~~The division of information services and communications~~ *office of information technology services* shall provide to INK such staff and other assistance as may be requested thereby, and the actual costs of such assistance shall be paid for by INK.

Sec. 18. K.S.A. 75-4704 is hereby amended to read as follows: 75-4704. Under the supervision of the ~~secretary of administration, the division of information systems and communications~~ shall provide data processing ~~executive chief information technology officer, the office of information technology services shall provide data processing and application hosting~~ services for other divisions, departments and agencies of the state, and shall make charges for such services in accordance with the cost system established under K.S.A. 75-4703, and amendments thereto. The furnishing of data processing services ~~by the division of information systems and communications and application hosting by the office of information technology services~~ shall be a transaction to be settled in accordance with the provisions of K.S.A. 75-5516, and amendments thereto. All receipts for sales of services shall be deposited in the information technology fund created under K.S.A. 75-4715, and amendments thereto. The provisions of K.S.A. 75-4215, and amendments thereto, shall apply to the information technology fund to the extent not in conflict with this act.

Sec. 19. K.S.A. 2012 Supp. 75-4704a is hereby amended to read as follows: 75-4704a. (a) Transfers to the information technology reserve fund shall be made from the information technology fund on a monthly basis and the amounts thereof shall be determined by the ~~director of information systems and communications, subject to approval by the sec-~~

~~retary of administration, as charges for depreciation and obsolescence of the division of information systems and communications~~ *executive chief information technology officer as charges for depreciation and obsolescence of the office of information technology services* equipment and programs according to generally accepted accounting principles prescribed by the director of accounts and reports. All recoveries from the sale of surplus, obsolete or unused equipment or of other expenditures from the information technology fund shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the information technology reserve fund. The director of accounts and reports shall transfer each month the amount so determined. No such transfer shall constitute a charge against or decrease in any expenditure limitation then in effect on the information technology fund under any appropriations act of the legislature.

(b) Expenditures from the information technology reserve fund may be made for equipment and programs needed for the operation of the ~~division of information systems and communications~~ *office of information technology services*.

Sec. 20. K.S.A. 75-4704b is hereby amended to read as follows: 75-4704b. Appropriations may be made for capital outlay and other expenses to carry out the purpose of the ~~division of information systems and communications~~ *office of information technology services* for the same period as is authorized by K.S.A. 46-155, and amendments thereto, for capital improvements. The ~~director of information systems and communications, with the approval of the secretary of administration,~~ *executive chief information technology officer* may enter into multiple year lease or acquisition contracts, subject to state purchasing laws not in conflict with the foregoing authorization and so long as such contracts do not extend beyond the appropriation periods, limitations and restrictions therefor.

Sec. 21. K.S.A. 75-4705 is hereby amended to read as follows: 75-4705. (a) Central processing of data by computer, for all divisions, departments and agencies of the state shall be performed by the ~~division of information systems and communications, under the supervision of the secretary of administration~~ *office of information technology services under the supervision of the executive chief information technology officer*. No other division, department or agency of the state shall perform central processing computer functions or control or possess any central processing unit of a computer, except as otherwise provided in this section.

(b) With the approval of the ~~secretary of administration~~ *executive chief information technology officer*, any division, department or agency of the state may possess and operate central processing units of a computer if the same are adjunct to the central processing computer unit or units of the ~~division of information systems and communications~~ *office of information technology services*.

(c) Data to be centrally processed by the ~~division of information systems and communications~~ *office of information technology services* shall be prepared for such processing by the division, department or agency of the state requesting the same to be processed in accordance with rules and regulations adopted by the ~~secretary of administration~~ *executive chief information technology officer* as provided in K.S.A. 75-4703, and amendments thereto. Programs for processing the data of any division, department or agency of the state shall be prepared by such division, department or agency of the state in accordance with standards prescribed by rules and regulations adopted by the ~~secretary of administration~~ *executive chief information technology officer* as provided in K.S.A. 75-4703, and amendments thereto. Notwithstanding the other provisions of this subsection, the ~~division of information systems and communications~~ *office of information technology services* shall prepare data or programs, or provide technical consultation, when a division, department or agency of the state requests such service of the ~~division of information systems and communications and the director of information systems and communications, subject to the approval of the secretary of administration~~ *office of information technology services and the executive chief information technology officer*.

(d) This section shall not apply to the universities under the jurisdiction and control of the state board of regents.

Sec. 22. K.S.A. 2012 Supp. 75-4709 is hereby amended to read as follows: 75-4709. (a) ~~The secretary of administration~~ *executive chief information technology officer* shall provide for and coordinate all telecommunications services for all divisions, departments and agencies of the state pursuant to policies established by the information technology executive council. ~~The secretary of administration~~ *executive chief information technology officer* shall have the authority to control the acquisition, retention and use of all telecommunications services for all divisions, departments and agencies of the state, and to develop and review plans and specifications for telecommunications services throughout the state.

(b) ~~The secretary of administration~~ *executive chief information technology officer*, when feasible, may enter into agreements with any entity defined in this subsection extending to such entity the use of state intercity telecommunications facilities and services under the control of the ~~secretary~~ *executive chief information technology officer*.

As used in this subsection, an “entity” means:

(1) Any governmental unit, including any state agency, taxing subdivision of the state or municipality; or

(2) any hospital or nonprofit corporation which ~~the secretary~~ *executive chief information technology officer* determines to be performing any state function on an ongoing basis through agreement or otherwise, or any function which will assist a governmental unit in attaining an objective or goal, bearing a valid relationship to powers and functions of such unit.

(c) Every record made, maintained or kept by the secretary of administration or the division of information systems and communications, *prior to the effective date of this act, shall be maintained or kept by the executive chief information technology officer or the office of information technology services*, or any agency or instrumentality thereof, which relates to the acquisition, retention or use of telecommunications services provided to any division, department or agency of the state, state officer or governmental unit and which pertains to individually identifiable individuals using such telecommunication services shall constitute for purposes of the open records act a record of the division, department or agency of the state, state officer or governmental unit to which such records relate. The official custodian of such records for the purposes of the open records act shall be the official custodian of the records of such division, department or agency of the state, state officer or governmental unit.

Sec. 23. K.S.A. 75-4710 is hereby amended to read as follows: 75-4710. As used in K.S.A. 75-4709, 75-4712, 75-4713 and 75-4714, and ~~amendments to those sections thereto~~, telecommunications services include, but shall not be limited to, any transmission, emission or reception of signals of any kind containing communications of any nature, by wire, radio, optical or other electromagnetic means, and includes all facilities, equipment, supplies and services for such transmission, emission or reception. Telecommunications services shall include data transmission services and equipment but shall not include data processing services provided or authorized by the ~~division of information systems and communications~~ *office of information technology services*, or the acquisition, retention or use of any data processing equipment authorized by the ~~division of information systems and communications~~ *office of information technology services*.

Sec. 24. K.S.A. 75-4712 is hereby amended to read as follows: 75-4712. ~~The secretary of administration~~ *executive chief information technology officer* shall adopt rules and regulations as provided in ~~K.S.A. 75-3706~~ *section 1*, and amendments thereto, for the acquisition, retention and use of telecommunications services by all divisions, departments and agencies of the state and by private, nonprofit corporations and governmental units which have entered into agreements with the ~~secretary of administration~~ *executive chief information technology officer* under K.S.A. 75-4709, and amendments thereto, and for the purposes of administering and enforcing the provisions of this act.

Sec. 25. K.S.A. 75-4713 is hereby amended to read as follows: 75-4713. (a) The telecommunications negotiating committee is a three-person committee composed of (1) ~~the secretary of administration~~ *governor*,

or a person designated by the ~~secretary of administration~~ *governor*, (2) the director of purchases, or a person designated by the director of purchases, and (3) the ~~director of the division of information systems and communications~~ *executive chief information technology officer*, or a person appointed by the ~~director of information systems and communications~~ *executive chief information technology officer*. The telecommunications negotiating committee may negotiate contracts for telecommunications services to be entered into by the ~~secretary of administration~~ *executive chief information technology officer* for state agencies and other entities as provided in K.S.A. 75-4709, and amendments thereto.

(b) Prior to negotiating for telecommunications services, the committee shall advertise for sealed proposals. The committee then may negotiate with one or more firms submitting proposals and select from among those submitting such proposals the party to contract with for the purpose of providing telecommunications services.

(c) Contracts entered into pursuant to this section for telecommunications services shall not be subject to the provisions of K.S.A. 75-3738 to 75-3740a, inclusive, and amendments thereto.

Sec. 26. K.S.A. 75-4714 is hereby amended to read as follows: 75-4714. Except as otherwise provided by law and subject to the provisions of appropriations acts relating thereto, all fees and charges imposed by the ~~secretary of administration~~ *executive chief information technology officer* for telecommunications services provided or contracted for by the ~~secretary~~ *executive chief information technology officer* shall be deposited in the state treasury and credited to the information technology fund.

Sec. 27. K.S.A. 75-4715 is hereby amended to read as follows: 75-4715. (a) There is hereby created in the state treasury the information technology fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the ~~secretary of administration~~ *executive chief information technology officer* or by a person designated by the ~~secretary~~ *executive chief information technology officer*.

(b) On the effective date of this act, the director of accounts and reports shall transfer all moneys in the computer services fund, created under K.S.A. 75-4704, *and amendments thereto*, and the state communications services fund, created under K.S.A. 75-4714, *and amendments thereto*, to the information technology fund.

(c) On the effective date of this act, all liabilities of the computer services fund and the state communications services fund are hereby imposed on the information technology fund, and the computer services fund and the state communications services fund are hereby abolished. Any reference to such funds abolished by this section in any statute, contract or other document shall be deemed to refer to the information technology fund.

Sec. 28. K.S.A. 75-4716 is hereby amended to read as follows: 75-4716. (a) There is hereby created in the state treasury the information technology reserve fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the ~~secretary of administration~~ *executive chief information technology officer* or by a person designated by the ~~secretary~~ *executive chief information technology officer*.

(b) On the effective date of this act, the director of accounts and reports shall transfer all moneys in the computer services depreciation reserve fund, created under K.S.A. 75-4704a, *and amendments thereto*, to the information technology reserve fund. On the effective date of this act, all liabilities of the computer services depreciation reserve fund are hereby imposed on the information technology reserve fund, and the computer services depreciation reserve fund is hereby abolished. Any reference to such fund abolished by this section in any statute, contract or other document shall be deemed to refer to the information technology reserve fund.

Sec. 29. K.S.A. 75-6512 is hereby amended to read as follows: 75-6512. (a) Subject to the provisions of appropriations acts, the secretary of administration is hereby authorized to establish and administer a cafeteria plan pursuant to the provisions of section 125 of the federal internal

revenue code of 1986 which shall be available to persons who are officers or employees of the state and who are qualified to participate in the state health care benefits program and which shall include, but not be limited to, provisions under which such officers and employees may agree to receive reduced compensation and: (1) Have the state's contribution under K.S.A. 75-6508, and amendments thereto, cover costs of dependent benefit coverage or other benefits under the state health care benefits program which would otherwise be payable by such officers and employees; and (2) receive benefits under the state employee dependent care assistance program under K.S.A. 75-6520, *and amendments thereto*.

(b) Any reduction in compensation for any person pursuant to any such cafeteria plan shall not reduce the compensation of such person for purposes of the employment security law, workers compensation act or the purposes of determining contributions and benefits under the Kansas public employees retirement system or any retirement system administered by the board of trustees of the Kansas public employees retirement system.

(c) Implementation of any such cafeteria plan and any additions or deletions thereto shall be subject to approval of the secretary of administration *and the office of information technology services* to assure adequate data processing resources therefor within the ~~division of information systems and communications of the department of administration~~ *office of information technology services*.

Sec. 30. K.S.A. 2012 Supp. 75-7202 is hereby amended to read as follows: 75-7202. (a) There is hereby established the information technology executive council which shall be attached to the ~~department of administration~~ *office of information technology services* for purposes of administrative functions.

(b) The council shall be composed of 17 voting members as follows: The secretary of administration; two cabinet agency heads; one noncabinet agency head; the director of the budget; the executive chief information technology officer; the legislative chief information technology officer; the judicial chief information technology officer and the judicial administrator of the Kansas supreme court; the executive director of the Kansas board of regents; the commissioner of education; ~~one representative~~ *two representatives* of cities; ~~one representative~~ *two representatives* of counties; the network manager of the information network of Kansas (INK); and ~~three representatives~~ *one representative* from the private sector who ~~are~~ *is* a chief executive ~~officers~~ *officer* or chief information technology ~~officers~~ *officer*. The chief information technology architect shall be a nonvoting member of the council. The two cabinet agency heads, the noncabinet agency head, the ~~representative~~ *representatives* of cities, the ~~representative~~ *representatives* of counties and the ~~representatives~~ *representative* from the private sector shall be appointed by the governor for a term not to exceed 18 months. Upon expiration of an appointed member's term, the member shall continue to hold office until the appointment of a successor. Nonappointed members shall serve ex officio.

(c) ~~The secretary of administration shall serve as the chairperson of the council~~ *The chairperson of the council shall be drawn from the chief information technology officers, with each chief information technology officer serving a one-year term. The term of chairperson shall rotate among the chief information technology officers on an annual basis.*

(d) The council shall hold meetings and hearings in the city of Topeka or at such other places as the council designates, on call of the chairperson or on request of four or more members.

(e) Members of the council may not appoint an individual to represent them on the council and only members of the council may vote.

(f) Members of the council shall receive mileage, tolls and parking as provided in K.S.A. 75-3223, and amendments thereto, for attendance at any meeting of the council or any subcommittee meeting authorized by the council.

Sec. 31. K.S.A. 2012 Supp. 75-7204 is hereby amended to read as follows: 75-7204. (a) There is hereby established, within and as a part of the ~~department of administration, the office of chief information technology architect, the head of which shall be the chief information technology architect. Under the supervision of the secretary of administration, the chief information technology architect shall administer the office of~~

~~the chief information technology architect office of information technology services, the position of chief information technology architect whose duties shall be performed under the supervision of the executive chief information technology officer.~~ The chief information technology architect shall be in the unclassified service under the Kansas civil service act, shall be appointed by the ~~secretary of administration~~ *executive chief information technology officer*, subject to approval of the governor and shall receive compensation in an amount fixed by the ~~secretary of administration~~ *executive chief information technology officer*, subject to approval of the governor.

(b) The chief information technology architect shall:

- (1) Propose to the information technology executive council: (A) Information technology resource policies and procedures and project management methodologies for all state agencies; (B) an information technology architecture, including telecommunications systems, networks and equipment, that covers all state agencies; (C) standards for data management for all state agencies; and (D) a strategic information technology management plan for the state;
- (2) serve as secretary to the information technology executive council; and
- (3) perform such other functions and duties as provided by law or as directed by the ~~secretary of administration~~ *executive chief information technology officer*.

Sec. 32. K.S.A. 2012 Supp. 75-7205 is hereby amended to read as follows: 75-7205. (a) There is hereby established within and as a part of the ~~department of administration~~ *office of information technology services* the position of executive chief information technology officer. The executive chief information technology officer shall be in the unclassified service under the Kansas civil service act, shall be appointed by the ~~secretary of administration~~, subject to approval of the governor, and shall receive compensation in an amount fixed by the ~~secretary of administration~~, subject to approval of the governor. The executive chief information technology officer shall maintain a presence in any cabinet established by the governor and shall report to ~~both the governor and the secretary of administration~~.

(b) The executive chief information technology officer shall:

- (1) Review and consult with each executive agency regarding information technology plans, deviations from the state information technology architecture, information technology project estimates and information technology project changes and overruns submitted by such agency pursuant to K.S.A. 2012 Supp. 75-7209, and amendments thereto, to determine whether the agency has complied with: (A) The information technology resource policies and procedures and project management methodologies adopted by the information technology executive council; (B) the information technology architecture adopted by the information technology executive council; (C) the standards for data management adopted by the information technology executive council; and (D) the strategic information technology management plan adopted by the information technology executive council;
- (2) report to the chief information technology architect all deviations from the state information architecture that are reported to the executive information technology officer by executive agencies;
- (3) submit recommendations to the division of the budget as to the technical and management merit of information technology project estimates and information technology project changes and overruns submitted by executive agencies pursuant to K.S.A. 2012 Supp. 75-7209, and amendments thereto, based on the determinations made pursuant to subsection (b)(1);
- (4) monitor executive agencies' compliance with: (A) The information technology resource policies and procedures and project management methodologies adopted by the information technology executive council; (B) the information technology architecture adopted by the information technology executive council; (C) the standards for data management adopted by the information technology executive council; and (D) the strategic information technology management plan adopted by the information technology executive council;
- (5) coordinate implementation of new information technology among

executive agencies and with the judicial and legislative chief information technology officers;

(6) designate the ownership of information resource processes and the lead agency for implementation of new technologies and networks shared by multiple agencies within the executive branch of state government; and

(7) perform such other functions and duties as provided by law or as directed by the ~~secretary of administration~~ *governor*.

Sec. 33. K.S.A. 76-389 is hereby amended to read as follows: 76-389.

(a) Within the limits of appropriations therefor, the university of Kansas medical center is hereby authorized to establish, maintain and operate a telemedicine communications system, subject to the approval by the ~~secretary of administration~~ *executive chief information technology officer* under K.S.A. 75-4709, and amendments thereto. The telemedicine communications system shall apply telecommunications technology to the practice of medicine through compressed, full-motion, high-resolution, two-way interactive video communication and information transfer over long distances within a medical setting.

(b) For the purpose of establishing, operating and maintaining the telemedicine communications system, the university of Kansas medical center may enter into contracts with any state agency, and any such agency is authorized to contract for such purpose with the university of Kansas medical center. The university of Kansas medical center in addition may enter into contracts or other agreements with any municipality as defined under K.S.A. 75-1117, and amendments thereto, medical facility as defined under K.S.A. 65-411, and amendments thereto, individual, firm, partnership, corporation or other business entity for the establishment of the telemedicine communications system or the establishment or operation of any part thereof including placement, operation and maintenance of equipment. In accordance with the authority of the ~~secretary of administration~~ *executive chief information technology officer* under K.S.A. 75-4709, and amendments thereto, all contracts entered into by the university of Kansas school of medicine under this section shall be subject to approval by the ~~secretary of administration~~ *executive chief information technology officer*. Standards and qualifications for utilization of the telemedicine communications system shall be established by the telemedicine advisory committee.

(c) For the purpose of establishing, operating and maintaining the telemedicine communications system, the university of Kansas medical center may accept any grant of money or property, including any federal moneys available therefor. Within the limits of appropriations therefor and subject to approval by the ~~secretary of administration~~ *executive chief information technology officer* under K.S.A. 75-4709, and amendments thereto, the university of Kansas medical center may acquire, in the name of the state, any equipment necessary for the telemedicine communications system.

(d) As part of the telemedicine communications system under this section and within the limits of appropriations therefor, the university of Kansas medical center may provide and may fix, charge and collect fees, which shall be deposited in the state treasury to the credit of one or more special revenue funds as specified by the vice-chancellor, for the following services:

- (1) Clinical and educational telemedicine services;
- (2) consulting services pertaining to the technology, system capability, clinical services supported and basic telemedicine information;
- (3) system design information;
- (4) advice and assistance on equipment and acquisition installation;
- (5) coordination with serving telephone companies and attachment to telecommunications networks;
- (6) system training;
- (7) coordination of system upgrades;
- (8) clearinghouse for telemedicine information; and
- (9) such other services as may be necessary in establishing, operating and maintaining the telemedicine communications system.

(e) There is hereby established the telemedicine advisory committee to consist of five members. The members of the telemedicine advisory committee shall be appointed by the chancellor of the university of Kan-

sas. Of the members of the telemedicine advisory committee, one member shall be a representative of the Kansas medical society and one member shall be a representative of the Kansas hospital association. The chancellor shall designate the member who is chairperson of the telemedicine advisory committee. Vacancies on the telemedicine advisory committee shall be filled in like manner as original appointments. The telemedicine advisory committee shall meet periodically upon the call of the chairperson of the telemedicine advisory committee. Members of the telemedicine advisory committee attending meetings of the committee, or attending a subcommittee meeting thereof authorized by the committee, shall be paid amounts provided in subsection (e) of K.S.A. 75-3223, and amendments thereto. The telemedicine advisory committee shall make recommendations to the university of Kansas medical center in regard to the administration of the provisions of this section, shall establish standards and qualifications for utilization of the telemedicine communications system in accordance with subsection (b) and shall perform such other duties as may be required by law.

Sec. 34. K.S.A. 48-937, 65-6138, 65-6139, 65-6140, 74-9302, 74-9303, 74-9605, 75-37,102, 75-4701, 75-4702, 75-4702c, 75-4704, 75-4704b, 75-4705, 75-4710, 75-4712, 75-4713, 75-4714, 75-4715, 75-4716, 75-6512 and 76-389 and K.S.A. 2012 Supp. 46-1503, 74-9304, 74-9306, 75-3707e, 75-4703, 75-4704a, 75-4709, 75-7202, 75-7204 and 75-7205 are hereby repealed.

Sec. 35. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the HOUSE, and passed that body

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE _____

President of the Senate.

Secretary of the Senate.

APPROVED _____

Governor.